



CITY OF MEMPHIS

COUNCIL AGENDA

June 22, 2010

Public Session Tuesday, 3:30 p.m.

Council Chambers, First Floor, City Hall

125 North Main Street

Memphis, Tennessee 38103-2017

CALL TO ORDER by the Sergeant-at-Arms

INVOCATION

PLEDGE OF ALLEGIANCE

CALL OF ROLL by the Comptroller

APPROVAL OF PREVIOUS MEETING MINUTES (June 8, 2010)

ANNOUNCEMENT FOR APPEARANCE CARDS FOR PUBLIC SPEAKING

ITEMS HELD OR DROPPED FROM THE AGENDA

PRESENTATIONS AND RECOGNITION OF VISITORS

1. PROCLAMATION declaring June 22, 2010 as "Arts Day", in the City of Memphis.
Collins &
Mayor Wharton

ACTION REQUESTED: Adopt the proclamation

2. RESOLUTION honoring Evangelist Geneva Dorsey, an unsung heroine, for her many outstanding works in the North Memphis community.
Fullilove

ACTION REQUESTED: Adopt the resolution

PUBLIC HEARINGS

3. RESOLUTION approving an appeal located on the north side of Winchester Road, 295 feet east of County Gate Road.

Ford

Case No. PD 01-306

Applicant: John K. Hardin

Appellant: Doyle Silliman, Windyke Area Neighborhood Association

Request: Overturn the decision of the Land Use Control Board on 5/13/10
Which approved a site plan for the construction of a Checker's
Restaurant to replace the current Brewster's Ice Cream Restaurant

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

DIVISION OF PLANNING & DEVELOPMENT

4. RESOLUTION directing the Office of Planning and Development to present the Fischer
Steel Plan to the Memphis City Council.

Ford

ACTION REQUESTED: Adopt the resolution

5. RESOLUTION approving a special use permit located on the south side of Hwy. 64; +/-
2,016 feet west of Reed-Hooker Road, containing 40.14 acres in the Agricultural (AG)
District.

Ford

Case No. SUP 10-214

Applicant: Youth Villages
Tim McCaskill (McCaskill and Associates) – Representative

Request: Transitional Home for Youth Villages

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

No Opposition at LUCB; No Public Hearing Required

ZONING ORDINANCE – THIRD AND FINAL READING (None)



CITY OF MEMPHIS

COUNCIL AGENDA

June 22, 2010

Public Session, Tuesday, 3:30p.m.

Council Chambers, First Floor, City Hall

125 N. Main Street

Memphis, TN 38103-2017

CONSENT AGENDA

GENERAL ORDINANCE - FIRST READING

6. **ORDINANCE** establishing the Small Business Enterprise (SBE) Program with the goal of awarding at least 25% of City contracting and purchase order dollars to locally owned small businesses, up for F I R S T reading.

Conrad

Ordinance No. 5366

ACTION REQUESTED: Adopt the ordinance on First reading

GENERAL ORDINANCE - SECOND READING

7. **ORDINANCE** regulating the Encroachment of Cable and Video Services in the City's Rights-of-Way, up for S E C O N D reading.

Hedgepeth

Ordinance No. 5365

ACTION REQUESTED: Adopt the ordinance on Second reading

ZONING ORDINANCES - FIRST READING

8. **JOINT ORDINANCE** repealing the Memphis and Shelby County Zoning Regulations adopted by the Shelby County Board of Commissioners on October 6, 1981 and by the Memphis City Council on October 7, 1981, being Joint Ordinance and Resolution No. 3064, as amended; repealing the Memphis and Shelby County Subdivision Regulations adopted by the Shelby County Board of Commissioners and the Memphis City Council on December 19, 1983, being Joint Ordinance and Resolution No. 3352, as amended; and adopting the Memphis and Shelby County Unified Development Code to establish joint zoning and subdivision regulations, to provide for a board of adjustment and a land use control board, and to provide for the enforcement and penalties for violation of the regulations, up for F I R S T reading.

Ford &
Morrison

Case No. ZTA 09-001cc

Ordinance No. 5367

Applicant: Division of Planning and Development
Josh Whitehead, Assistant City Attorney – Representative

Request: Adopt the Unified Development Code

OPD and LUCB recommendation: APPROVAL

ACTION REQUESTED: Adopt the ordinance on First reading.

9. **ORDINANCE** rezoning the east bank of Mississippi River; extending southwardly from Incline Bayou, containing 10.54 acres in the Agricultural (AG) District, up for F I R S T reading.

Ford

Case No. Z 10-108
Ordinance No. 5368

Applicant: SCF Real Estate, LLC & South of Fleet Street, LLC
Josh Lawhead(Burch, Porter & Johnson) & Harvey Marcom (The Reaves Firm – Representatives

Request: Heavy Industrial (I-H) District

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Adopt the ordinance on First reading

ZONING ORDINANCE - SECOND READING

10. **ORDINANCE** rezoning the westward side of Jackson Ave., opposite and 140 ft. southwestwardly from the intersection of Hemingway Ave., containing 0.227 acre in the General Office (O-G) District, up for S E C O N D reading.

Ford

Case No. Z 10-105
Ordinance No. 5364

Applicant: Beatrice Jimenez
Tim McCaskill – Representative

Request: Planned Commercial (C-P) District

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Adopt the ordinance on Second reading

ENGINEERING

11. **RESOLUTION** approving final plat of BERCLAIR TERRACE SUBDIVISION, RESUBDIVISION LOT OF 22.

Case No. PD 10-005

Resolution approves the final plat located at the southwest corner of Lynn Ave. and Avon Rd.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

12. RESOLUTION approving final plat of ROBERT GALLOWAY'S EVERGREEN SUBDIVISION, RESUB OF PART OF BLOCK J.

Case No. S 08-014

Resolution approves the final plat located on the southside of Overton Park Ave., west of Hawthorne Ave. Cost of the required improvement to be borne by the Developer.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

13. RESOLUTION approving final plat of THOMAS COUNTRY PLANNED DEVELOPMENT, AMENDED, PH. 2

Case No. PD 06-348

Contract No. CR-5161

Resolution approves the final plat located on the northwest corner of Houston Levee Road and Pisgah Road. Cost of the required improvements to be borne by the Developer. Resolution also authorizes the proper officials to execute the attached standard improvement contract.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution



CITY OF MEMPHIS

COUNCIL AGENDA

June 22, 2010

Public Session Tuesday, 3:30 p.m.

Council Chambers, First Floor, City Hall

125 North Main Street

Memphis, Tennessee 38103-2017

MLGW FISCAL CONSENT

14. RESOLUTION awarding Contract No. 11388, Foundation Installation Substation 79-86 Section "C", to Chris-Hill Construction Company in the funded amount of \$1,115,388.00.
15. RESOLUTION approving Change No. 7 to Contract No. 11028, Security Services, with CDA, Inc. in the funded amount of \$630,409.78. (This change extends the contract for a 90-day period, July 1, 2010 to September 30, 2010, with no increase in rates, contingent upon CDA's acceptance of the terms and conditions under the current contract).
16. RESOLUTION awarding contract for vacuum excavation system to Ditch Witch Mid-South, in the amount of \$37,681.44.
17. RESOLUTION awarding contract for self-propelled trenching machine to Ditch Witch Mid-South in the amount of \$57,828.00.
18. RESOLUTION awarding contract for corporate network upgrade to Venture Technologies in the amount of \$734,804.54.
19. RESOLUTION awarding contract for disk storage hardware and software to Logicalis, Inc. in the amount of \$499,993.31.
20. RESOLUTION approving Contract No. 3075 between MLGW and TVA to help support industrial recruitment, development and expansion of business and industry in the Memphis/Shelby County area, whereby MLGW will make payment to the Greater Memphis Chamber in the amount of \$80,000.00, provided that no part of this funding shall be used for lobbying public officials or to oppose or promote ballot initiatives. TVA will reimburse MLGW in the amount of \$40,000.00.
21. RESOLUTION approving contract for and payment of MLGW's ongoing commitment to the Greater Memphis Chamber in the amount of \$175,000.00, to facilitate Economic Development in Memphis and Shelby County and to continue the tasks originally outlined in the Memphis 2005 Economic Development Strategic Plan, and its successor, the Memphis ED Plan, provided that no part of this funding shall be used for lobbying public officials or to oppose or promote ballot initiatives.
22. RESOLUTION approving the employment of Fields & Brown, LLC for legal services on an as-needed basis at agreed-upon hourly rates.

23. RESOLUTION awarding Contract No. 11404, Professional Engineering Services – Electric Substations, to Allen & Hoshall, in the funded amount of \$600,000.00.
24. RESOLUTION awarding Contract No. 11439, Professional Engineering Services – Electric Substations, to Fisher & Arnold, in the funded amount of \$150,000.00.
25. RESOLUTION giving the Vice President and General Counsel of MLGW contract authority in the amount of \$67,500.00 for a claims settlement.



CITY OF MEMPHIS

COUNCIL AGENDA

June 22, 2010

Public Session, Tuesday, 3:30 p.m.

Council Chambers, First Floor, City Hall

125 N. Main Street

Memphis, TN 38103-2017

REGULAR AGENDA

26. **APPOINTMENTS**
Strickland

Memphis, Light, Gas and Water Commission

Reappointment

Rick Masson

Memphis and Shelby County Downtown Parking Authority

Reappointment

Cathy Simmons (Joint Appointment)

BUDGET ITEM

27. RESOLUTION establishing the MEMPHIS LIGHT GAS AND WATER DIVISION in lieu-of-tax payment to the City of Memphis for Fiscal Year 2011. (Held from 6/8)
Fullilove

ACTION REQUESTED: Adopt the resolution

GENERAL ORDINANCES -THIRD AND FINAL READING

28. **ORDINANCE** to create the City of Memphis Alcohol Impact Area, up for T H I R D and F I N A L reading. (Held from 4/13; 4/27;5/11)
Lowery Ordinance No. 5349

ACTION REQUESTED: Take whatever action Council deems advisable

29. **ORDINANCE** to amend Chapter 21, Motor Vehicles and Traffic, Article IX, Inspection of Vehicles to require annual inspection only for vehicles four (4) years old or older, up for T H I R D and F I N A L reading. (Held from 5/11)
Ware Ordinance No. 5351

ACTION REQUESTED: Take whatever action Council deems advisable

30. **ORDINANCE** Prohibiting Unfair Discrimination in City Hiring Policies Against Persons Previously Convicted, up for T H I R D and F I N A L reading.
Strickland Ordinance No. 5363

ACTION REQUESTED: Take whatever action Council deems advisable

ENGINEERING DIVISION (None)

EXECUTIVE DIVISION

31. RESOLUTION accepting earmark funds in the amount of \$190,000.00 from the U.S. Department of Labor for the Memphis Youth Services Program. The Memphis Youth Services Program will provide work readiness training and employment opportunities for youths between the ages of 14 and 21. Resolution also amends FY 2010 Operating Budget to establish and appropriate grant funds.

Ware

ACTION REQUESTED: Adopt the resolution

FINANCE & ADMINISTRATION

32. RESOLUTION accepting revenue from the University of South Florida to reimburse Travel expenses incurred in Fiscal Year 2010 in the amount of \$3047.30.

Morrison

ACTION REQUESTED: Adopt the resolution

DIVISION OF FIRE SERVICES (None)

DIVISION OF GENERAL SERVICES (None)

DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT (None)

DIVISION OF HUMAN RESOURCES (None)

LAW DIVISION (None)

MLGW DIVISION (None)

PARK SERVICES

33. RESOLUTION requesting an appropriation of \$100,000.00 in Contract Construction for CIP Project Number PK08023, Botanic Garden Major Maintenance, chargeable to the FY2010 Capital Improvement Budget.

Boyd

ACTION REQUESTED: Adopt the resolution

DIVISION OF POLICE SERVICES

34. RESOLUTION accepting grant funds in the amount of \$1,215,600.00 from the State of Tennessee for the In-Service Training Program for training for 2,026 commissioned officers. Resolution also amends FY2010 Operating Budget to establish and appropriate grant funds.

Lowery

ACTION REQUESTED: Adopt the resolution

DIVISION OF PUBLIC SERVICES

35. RESOLUTION requesting the Administration to remove funding from proposed FY 2011 O&M Budget to cover costs associated with vehicle inspections. (Held from 4/13; 5/11).

Ware

ACTION REQUESTED: Adopt the resolution

36. RESOLUTION appropriating \$9,000,000.00 for Anti-Blight.

Ware

ACTION REQUESTED: Adopt the resolution

DIVISION OF PUBLIC WORKS

37. RESOLUTION amending the FY 2010 Capital Improvement Budget by transferring an allocation of \$98,260.00 from Contract Construction to Architecture/Engineering funded by State Grants provided by the Tennessee Board of Regents in U of M Crosswalk, project number PW04029 to design the revised scope.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

38. RESOLUTION appropriating \$1,078,487.00 funded by G.O. Bonds – General for S. Third/W. Holmes Inters project number PW01092 for a contract with Ferrell Paving for street repair.

Hedgepeth

Director of Public Works and City Engineer Recommends Approval

ACTION REQUESTED: Adopt the resolution

GENERAL ITEM (None)

APPEARANCE CARDS FOR PUBLIC SPEAKING

ADJOURNMENT

ADD-ONS

39. RESOLUTION honoring the Life of Harold Buehler.
Lowery

ACTION REQUESTED: Adopt the resolution

40. **APPOINTMENT**
Strickland

Memphis and Shelby County Airport Authority

Appointment

Jack Sammons

41. RESOLUTION allocating and appropriating an amount not to exceed \$700,000.00 in Capital Improvement funds to cover acquisition costs for the site formally known as the Marina Cove Apartments.

Ware

ACTION REQUESTED: Adopt the resolution

42. RESOLUTION authorizing the Administration to disburse insurance funds to the Memphis College of Art.
Lowery

ACTION REQUESTED: Adopt the resolution

NOTATION FROM OPD

43. **NOTATION** from Land Use Control Board that the following case was heard and recommendation made requesting a date of public hearing:
Consent

A. Case No. UV 10-08 – SOUTH MEMPHIS FARMERS MARKET

Located on the northeast corner of Mississippi Boulevard and S. Parkway East, containing 0.50 acre in the C-N (Neighborhood Commercial) District

Applicant: St. Andrews AME Church
Rev. Dr. Kenneth Robinson – Representative

Request: Open air Farmers Market

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Set a date of public hearing

SUGGESTED DATE: July 6, 2010

44. RESOLUTION giving the Vice President and General Counsel of MLGW contract authority in the amount of \$59,669.00 for a claims settlement.

MLGW

Fiscal Consent

ACTION REQUESTED: Adopt the resolution

ACTION TAKEN BY COUNCIL ON THIS DATE

1. and 2 – Approved
3. Approved, as amended
4. Through 26 – Approved
27. Held to September 14, 2010
28. Dropped
29. Through 34 - Approved
35. Held to July 20, 2010
36. Dropped
37. Through 42 – Approved
43. Public Hearing set for July 6, 2010
44. Approved

ACTION TAKEN ON THE MINUTES OF JUNE 8, 2010

Approved, as amended

ACTION TAKEN ON THE MINUTES OF JUNE 22, 2010 FOR ITEMS 15, 22, 25, 40, 41, 42 AND 44 ONLY:

Approved